

U.S. Department of Labor



Employment and Training Administration

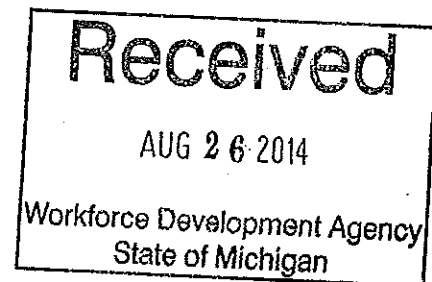
REGION V

John C. Kluczynski Building
230 South Dearborn Street, 6th Floor
Chicago, IL 60604-1505

<http://www.doleta.gov/regions/reg05>

August 18, 2014

Mike Pohnl
Strategic Opportunities Director
Workforce Development Agency
201 N. Washington Square, 5th Floor
Lansing, MI 48913



Dear Mr. Pohnl:

This letter provides approval of the Michigan Wagner-Peyser (W-P) Agricultural Outreach Plan (AOP) for Program Year (PY) 2014. The Employment and Training Administration (ETA) received the State's AOP on May 15, 2014.

Training and Employment Guidance Letter (TEGL) No. 13-13, *Instructions and Planning Guidance for the Agricultural Outreach Plans (AOP) for Program Year 2014; the Designation of Significant Migrant and Seasonal Farm Worker (MSFW) States; and the Designation of Significant MSFW and Bilingual Local Offices* issued on February 25, 2014, provided guidance for States to submit their AOP for PY 2014. We appreciate the State's responsiveness to this guidance.

The Chicago Regional Office reviewed the State's AOP in accordance with the W-P regulations, 20 C.F.R. §651.10 and §653.107, TEGL No. 13-13, and the State Integrated Workforce Plan Requirements for Workforce Investment Act Title I/Wagner-Peyser Act. This letter constitutes a written determination that ETA is approving Michigan's annual W-P AOP for the period of July 1, 2014 through June 30, 2015. This approval constitutes a modification to the State Integrated Workforce Plan, and the AOP must be incorporated into the State's official copy of its State Integrated Workforce Plan and made available to the public.

We look forward to working together as you implement your AOP for PY 2014. If you have any questions related to the AOP, please contact Eric Hernandez, your MSFW Program Lead, at 312-596-5419 or hernandez.eric@dol.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Byron Zuidema', with a long horizontal flourish extending to the right.

Byron Zuidema
Regional Administrator

cc: Juan M. Regalado, National Monitor Advocate
Eric Hernandez, MSFW Program Lead

RICK SNYDER
GOVERNOR



CHRISTINE QUINN
DIRECTOR

May 14, 2014

E-mailed: 5/14/2014 (tk)

Mr. Byron Zuidema
Regional Administrator
Employment and Training Administration
Region V
U.S. Department of Labor
230 South Dearborn Street, 6th Floor
Chicago, Illinois 60604-1505

Dear Mr. Zuidema:

It is my pleasure to submit the State of Michigan's Wagner-Peyser Agricultural Outreach Plan for Program Year (PY) 2014. The plan was created in accordance with the Training and Employment Guidance Letter 13-13 and the Wagner-Peyser regulations 20 CFR 653.107. The plan was reviewed by the State Workforce Investment Board Executive Committee following review and comment from workforce partners and the general public. The plan will be submitted for review by the full State Board at its next meeting, scheduled for June 11, 2014. I am confident the plan meets the prescribed requirements of the U.S. Department of Labor and I look forward to your approval.

If you have questions, please contact me at (517) 335-5858 or quinnc1@michigan.gov.

Sincerely,

SIGNED

Christine Quinn, Director
Workforce Development Agency

CQ:JC:tk
Attachment

cc: Malcom Jackson
Adele Gagliardi
Mike Pohnl
Juan Regalado

Belen Ledezma
Gerry Aranda
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Krista Johnson

Janice Cooper
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**WORKFORCE DEVELOPMENT AGENCY, STATE OF MICHIGAN
AGRICULTURAL OUTREACH PLAN
PROGRAM YEAR 2014**

Wagner-Peyser Labor Exchange Services

Overview

The State of Michigan's Workforce Development Agency (WDA) provides a complete range of employment services to the agricultural community, including Migrant and Seasonal Farmworkers (MSFWs) and agricultural employers, as described in the Wagner-Peyser regulations at 20 CFR 653.107. Full-time, year-round outreach workers, designated as Agricultural Employment Specialists (AES), conduct vigorous outreach activities throughout Michigan's Lower Peninsula. Outreach activities are concentrated in significant MSFW areas, in order to reach the maximum number of MSFW populations. In collaboration with partners located at Michigan Works! One-Stop Service Centers, the full range of employment services are offered to both the MSFWs and agricultural employers. The State Monitor Advocate conducts on-site monitoring of Michigan's significant offices to ensure qualitatively and quantitatively proportionate services are provided to MSFWs.

A. Assessment of Need

Michigan Governor Rick Snyder, in delivering the 2014 State of the State Address, noted:

"...Another industry that's critical to Michigan is our agriculture industry, and we're having great growth there. In 2010, it was a \$91 billion industry. In 2013, it's grown to a \$96 billion industry. It's on a path to being a hundred billion dollar industry in Michigan, and one of the key reasons in this last twelve-month period, agricultural exports from Michigan to other countries grew by sixteen percent. Ag is on a roll..."¹

Critical to Michigan's economy in terms of production, processing and the revenue it generates, the agriculture industry in Michigan continues to produce over 300 commodities on a commercial basis and remains second only to California in diversity of crops. The latest data available cites Michigan as having 54,900 farms, ten (10) million acres of farmland, and leading the nation in the production of 18 crops, including blueberries, tart cherries, cucumbers and squash. The food processing industry, which employs many MSFWs, generates twenty-five (25) million dollars in economic activity annually, while fruit production revenue generates \$180.2 million.²

Table 1 identifies Michigan's major labor-intensive crop activities, with the months of heavy activity and the geographic area of prime activity. The data indicating the number of MSFWs and non-MSFWs that are employed in each crop is unavailable. However, AES staff was surveyed to reach an estimate.

Several areas of Michigan experienced labor shortages last year, as many migrant workers did not travel to or return to Michigan in PY 2013, due to poor crop conditions during PY 2012. The apple industry, especially in Regions II and III, experienced the largest shortage of workers. In Region II, blueberry growers, who did not have housing, experienced a larger shortage of workers than those who provided housing for workers.

In Region I, there was no shortage of workers, as they worked longer hours and on weekends. The Eastern section of Region IV did not experience a shortage. It is estimated that most of the workers in apples, asparagus, blueberries and cherries are MSFWs. An enumeration study released in PY 2013 estimated the total number of MSFWs who are needed for employment in field agriculture, nursery/greenhouse work, reforestation, and food processing to be 49,135; however, no crop specific data was provided.³

Table 1				
Labor Intensive Crop	Heavy Activity Months	Prime Geographic Area (see MI Ag Region Maps)	Estimated MSFWs/ Employed	Estimated Non MSFWs Employed
Apples	Mid-August – Mid-November Pruning February – April	Region II Region III	7,096	190
Asparagus	April – Early June	Region II Region III	3,735	45
Blueberries	Mid-July – Late August	Region I Region II	10,163	502
Cherries (Sweet & Tart)	Early July – Early September; Pruning February - April	Region I Region II Region III	4,970	36
Christmas Trees	April, June - August, October – December	Region III Region IV	860	11
Nursery Plants	Early March – Late November	Region I Region IV	1,326	25
Vegetables (squash & pumpkins)	Early July - Late October	Region I Region V	5,005	240

In PY 2013, AES staff contacted 9,334 MSFWs and performed 875 days of outreach. Partner entities were solicited for PY 2013 data and provided the following information as to how many MSFWs received services from their respective agencies:

- Telamon Corporation (National Farmworker Jobs Program [NFJP] grant recipient): 405 participants.
- Telamon Corporation (Migrant Head Start [MHS]): 1,259 children and 22 pregnant women.
- Migrant Health Promotions: Four outreach events reaching 398 individuals; health education at camps reaching 22 individuals.
- Migrant Health Centers: 16,122 individuals.
- Michigan Migrant Education Program: 3,514 children (ages 0-21).
- Michigan Department of Human Services (DHS): 14,928 recipients and 3,920 cases.

For PY 2014, Michigan projects agricultural activity to increase due to improved weather conditions, increased technology, and the support of our Governor for the industry. Most increased activity will be in field crops (corn, beans, wheat), with a slight increase in grape production, due to increases in the number of wineries. Additionally, hops are becoming more prevalent as evidenced by the increased number of microbreweries in the state.

The Workforce Development Agency projects that an estimated 22,000 MSFWs will travel to Michigan during PY 2014. In spite of the increased need for labor, Michigan has experienced a slight decline of registered MSFWs, due in part to the reduction of AES staff. Higher gas prices, increased immigration fears, and previously poor crop conditions are some of the other reasons cited for the decline. Data was again solicited from partner agencies in order to project the number of MSFWs expected in the state for PY 2014. Michigan Migrant Education expects to serve 3,700 MSFWs; both Migrant Health Promotions and Migrant Health Centers expect to serve about the same number as they did in PY 2013; and Telamon MHS and DHS relied on Dr. Alicia C. Larson's 2013 Enumeration Profiles Study⁴ to arrive at their projection of 49,135. However, in an explanation of the data from the Enumeration Study as presented by Dr. Larson, it was noted that this number reflects the number of workers needed, not necessarily the number of MSFWs who will be in the state.⁵

Outreach Activities

Michigan has always been committed to providing equitable services to its MSFW population. The AES spend the majority of their time during the peak season conducting outreach to MSFWs in order to reach those who may not have the means to access the One-Stop Service Centers. While on outreach, the AES explain all of the services available at One-Stop Centers; including referrals to employment, training, and supportive services. Other services, such as the availability of counseling, testing and career guidance are also explained. Information about the Job Service Complaint System, a summary of farmworker rights with respect to the terms and conditions of employment, and the U.S. Department of Labor (USDOL) Farmworker Rights Card is provided.

For PY 2014, AES staff will contact 10,000 MSFWs with a projected number of 800 outreach days. Of the 10,000 MSFW contacts, an estimated 900 will be contacted through joint outreach efforts, especially with the Telamon Corporation's NFJP, the DHS, and health clinics.

There are fourteen (14) AES staff that provide services to MSFWs with three (3) vacancies. The chart below indicates the locations and Significant Office sites:

Table 2	
Local One-Stop Service Centers * indicates Significant Office	Outreach Staff (Agricultural Employment Specialists) Number
Coldwater	Vacant
Dowagiac*	1
Fremont*	1
Holland*	2
Lansing	Vacant
Lapeer	1
Ludington*	1
Paw Paw*	2
Shelby*	2
Sparta*	2 + 1 Vacant
Traverse City	2
Total	14 Staff + 3 Vacancies

It is anticipated that two of the three vacant positions will be filled as seasonal positions due to funding restrictions. This reduction in staff will leave a large portion of the state with no direct access to a State Outreach Worker (AES). All of the AES currently cover two (2) or more counties, with most covering five (5) or more. The geography of the state increases the difficulty of engaging in direct outreach activities, and with the reduced number of staff, it will be even more challenging. AES are based in locations with high MSFW activity, so there is limited time to travel to uncovered areas to conduct outreach.

Michigan has numerous stable and growing partnerships with many organizations that provide employment and quality-of-life services to MSFWs. Some of the partners are located in the One-Stop Service Centers, allowing for easy access by MSFWs. For agencies not located within the One-Stop Service Centers, a referral process is established with partners to ensure that the full range of employment, training, and supportive services are delivered.

Partner agencies include:

- Telamon (National Farmworker Jobs Program, Section 167 Grantee)
- Michigan Department of Human Services (DHS)
- Michigan Department of Agriculture and Rural Development (MDARD)
- Michigan State Police (MSP)
- District Health Departments
- Michigan Health Centers and Community Health Centers
- Michigan Primary Care

- Michigan Health Promotion
- Intercare
- Mercy Health Hospital
- Michigan State University
 - Extension Services
 - College Assistance Migrant Program (CAMP)
 - High School Equivalency Program (HEP)
- Western Michigan University College Assistance Migrant Program (CAMP)
- Michigan Migrant Education Programs
- Telamon Corporation Head Start Programs
- Employer Partners
 - Michigan Farm Bureau
 - Michigan Asparagus Advisory Board
 - Michigan Blueberry Growers
- Farmworker Legal Services
- Michigan Migrant Legal Assistance Project (MMLAP)
- Michigan Literacy Coalitions and Councils, including English as a Second Language (ESL) training
- Bethany Christian Services
- Hispanic/Latino Commission of Michigan
- Food, Clothing, Rental and Utilities Assistance
 - Love Inc.
 - TruNorth
 - Salvation Army
 - Good Samaritan Ministries
 - Holland Rescue Mission
 - Ottawa County Community Action Agency
 - Community Action House
 - Allegan County Resources Development Committee
 - Holland Rescue Mission
- ESL Providers
 - Western Michigan Hispanic Service Center
 - Mott College
 - Zeeland/Holland Adult Ed
- Fremont Area Foundation (*annual grant for Farmworker Appreciation Day*)
- Kent District Library
- Hispanic Ministry
- Whirlpool Hispanic Network (*Hispanic Whirlpool Employees Christmas Basket project*)
- Justice for our Neighbors (*Immigration Services*)
- Lakeshore Ethnic Diversity Alliance (*Migrant Mentoring Program*)
- U.S. Department of Labor, Wage & Hour Division.

When contact is made on outreach, the AES encourages the MSFWs to come to the One-Stop Service Center for services. However, if MSFWs are unable to travel to a Service Center, AES provide the following services on-site:

- Preparation of registration and resume assistance,
- Referral to specific employment opportunities currently available or job development services,
- Recommendation of employment opportunities available after the current employment ends,
- Assistance to prepare an Employment Service or non-Employment Service related complaint,
- Referral of complaint to the state's complaint coordinator or local office coordinator,
- Referral to supportive services, and
- When necessary, make appointments and arrange transportation to and from the One-Stop, or other locations where integrated workforce development services are provided.

On-site services are made possible as a result of mobile equipment provided to AES such as smartphones with hotspot capabilities and wireless laptops. This technology allows for immediate and easy access to electronic documents, including current job postings and applications for employment, approved migrant housing inspection lists, registrations, and access to supportive services websites. This technology also provides for quicker response times to sensitive documents, such as complaints and apparent violations.

In addition to the services listed previously, AES provide MSFWs with a packet of printed materials that is explained and distributed during face-to-face meetings on outreach. Packets contain the following materials:

- Listing of One-Stop services,
- Listing of all AES staff with contact information,
- The WDA Form 330 B, "Notice to Applicants," which is a bilingual pamphlet that informs MSFWs of all employment services, including mitalent.org (Michigan's online labor exchange system),
- Migrant Resource Council Brochure,
- Additional local information, such as announcements for parent nights, bilingual classes, food distributions, etc.,
- Farmworker Legal Services calendar (if available), and
- United States Department of Labor Farm Worker Rights Card.

There are nine (9) Migrant Resource Councils (MRCs) in the state that are located in Michigan's main agricultural regions. The MRCs are comprised of representatives from state and local agencies, non-profit service providers, farmworker legal groups, and growers.

As members of their local MRCs, AES exchange information regarding services available, make and receive referrals for services, identify unmet needs, and strategize with other members to maximize outreach activities and address MSFW needs.

The importance of year-round collaboration on how to best meet the needs of agricultural employers cannot be overstated. In areas with the largest concentrations of farmworkers, the AES regularly works in collaboration with Telamon during the harvest season to provide outreach services to farmworkers by visiting farm labor camps. During the off season, the AES and Telamon reach out to growers to discuss the availability of agricultural skills upgrades and participate in grower meetings and planning for the upcoming harvest season.

In addition, the AES refers MSFWs desiring to settle out or those requiring additional training to Telamon and other training entities. In PY 2014, Telamon will be emphasizing the utilization of on-the-job training contracts and work experience activities, as well as skill upgrades such as Commercial Driver's License (CDL) training, pesticide applicator training, and equipment maintenance. Michigan Primary Care Health Centers are working on many enrollment efforts and will be on site at events where MSFWs gather and live. Michigan Migrant Education will continue with its Math MATTERS program and DHS plans to increase its outreach efforts. AES will partner with these agencies, either through referral of MSFWs or active participation on outreach.

Other activities performed on outreach include distribution of flyers to announce events, posting of AES contact information at restaurants and stores as well as Spanish and English media outlets, such as radio stations and newspapers publicizing AES location and contact information.

"La Hora del Campesino" is a radio program sponsored by the WDA that has grown in popularity and helps cast a wider net to locate MSFWs. Broadcast on Sunday evenings at 103.7 COSY-FM, it serves as a bridge between Limited English Proficiency job seekers and employers in Michigan by providing listeners with step-by-step instructions on how to locate employment through the One-Stop Service Centers, as well as online. Listeners are encouraged to visit the local One-Stops for a complete range of employment services. The program is delivered in Spanish and has proven to be a favorite of many of the MSFWs.

The WDA's Michigan's Agriculture Website previously found at <http://www.michaglabor.org> is now part of the agency's main website (<http://www.michigan.gov/wda>) and features resources for both MSFWs and employers. If interested, the website is demonstrated to MSFWs while on outreach. Additionally, the Pure Michigan Talent Connect site is also explained, so MSFWs can search for employment opportunities independently.

"Project Respeto" remains a constant feature of the outreach program. With full support from the Michigan State Police (MSP), joint visits to migrant camps are made by the local AES, MSP, and county sheriff officers. During these informal and friendly visits, the AES and officers talk with MSFWs and provide information regarding Michigan laws that may differ from those of their home state. AES promote a trusting environment, which has resulted in fewer problems

between law enforcement and MSFWs in some communities. Law enforcement in Oceana, Newaygo and Isabella Counties has expressed an interest in joining the Project for PY 2014.

Services Provided to MSFWs through Michigan's One-Stop Delivery System

Core, intensive and training services required under the WIA Title I regulations are provided to MSFWs through the Michigan Works! One-Stop Service Centers, Telamon Corporation and the AES staff. When MSFWs visit a One-Stop Center, the staff provides core services. Bilingual services must be provided, as needed. The majority of intensive services are provided by the AES staff. These include comprehensive employment services, such as job referral and placement, resume writing assistance, career guidance, skill assessment, and referral to training. Additionally, assistance with Michigan's online labor exchange system, Pure Michigan Talent Connect, is also provided.

Michigan is strengthening the One-Stop Service Center system by implementing Functional Coordination (FC). The Functional Coordinator will act as a liaison among the WDA field staff and One-Stop Service Center staff to ensure that qualitative and quantitative services are being provided to all MSFWs who walk through the doors.

Agricultural Employment Specialists are knowledgeable of the various training programs available through the One-Stop Service Centers and make referrals to programs based on customer request. Since the Workforce Development Agency is not a direct provider of training services, it is imperative that training programs are explained thoroughly to MSFWs before referral to programs takes place. AES staff will continue to encourage MSFWs to enter training programs in order to acquire skills that may lead to higher paying employment. While doing so, AES will remain sensitive to those who may not want to leave the migrant stream and take that into consideration before referrals are made.

Governor Rick Snyder has embarked on a new effort to drive regional collaboration in Michigan which empowers locals to drive economic prosperity. With the formation of ten (10) Prosperity Regions in Michigan, there will be an opportunity for MSFWs to access additional programs and participate in initiatives designated in each region. By combining resources, areas "collaborate, connect, and create" additional resources to enable not only the MSFW population, but all populations to achieve success. AES and management will work in concert with their Prosperity Region to ensure that MSFWs have equal access to all available programs.

Telamon will continue its internship program with the goal of helping participants discover their strengths and broaden their scope of employment. These interns will be exposed to high-demand /high-growth occupations. By referring MSFWs to this program, as well as the trainings offered by the One-Stop Service Center, AES provide an opportunity for their clients to advance skills and compete in a local, regional and global economy.

In addition to the services mentioned, the following services/programs are offered to MSFWs through the One-Stop Delivery System:

- Computer & Internet access for job searches, Unemployment Insurance Agency (UIA) registration, and other work-related business,
- Telephones, fax & copy machines,
- PATH for jobseekers receiving State cash assistance,
- Michigan Rehabilitation Services for employment services and vocational counseling for job seekers with disabilities,
- Veterans Employment Services,
- Dislocated Worker programs,
- Youth programs,
- Learning Labs for ESL, GED, & computer skills classes,
- TABE & Work Keys testing,
- Career building assistance,
- On-the-job training programs,
- Work experience programs,
- Emergency Supportive Services,
- Job Fairs, Employer of the Day Interviews, and Temporary Employment Agencies,
- Local Labor Market Information, and
- Access to the WDA website <http://www.michigan.gov/wda> for maps and AES contact information, a link to the Farmworker Radio program, and other resources.

To facilitate referrals of interested and qualified job applicants to jobs in Michigan, the WDA is submitting a pilot project proposal to its Regional Monitor Advocate for consideration. This pilot project would allow the AES to refer MSFWs to employment via telephone or email. This approach would not replace any outreach conducted to the MSFWs, but would provide another tool to assist MSFWs to gain employment more efficiently.

Services Provided to Agricultural Employers through Michigan's One-Stop Delivery System

The One-Stop Service Centers and the AES staff provide employment services to agricultural employers. Enhanced coordination through a One-Stop Functional Coordinator enables the employer to receive comprehensive services in a non-duplicative manner. Primary services delivered by the AES include assistance writing job orders and job descriptions as well as the referring of workers. Employers are also trained by AES in the use of Pure Michigan Talent Connect to post job openings or locate qualified talent.

In February 2014, the WDA in partnership with Michigan State Extension Services, held the 15th Annual West Michigan Agricultural Meeting. Over 60 agricultural employers attended and heard presentations about finding a labor force, camp and housing requirements, the I-9 process, and

other topics of interest based on results from an employer survey. AES were invited to present at six (6) additional agricultural employer meetings that were organized by various partner groups and agencies. At each meeting, AES presented services available for employers through the One-Stop system and Pure Michigan Talent Connect and explained the Intra/Interstate Clearance Order system to employers to assist them in locating MSFWs in other states.

Agricultural employers participated in Prevailing Wage and Practice Surveys during PY 2013 for growers of asparagus, apples and sweet cherries. In PY 2014, surveys of growers of apples, asparagus, blueberries, broccoli, cabbage, cauliflower, cherries, Christmas trees (production and harvest), corn (sweet), seed corn de-tasseling, cucumbers, fall squash, flowers, flowers-bouquet processing, grapes, green beans, green peppers, jalapenos, melons, nursery stock, onions, peaches, potato/equipment operation, raspberries, sod, squash, strawberries and tomatoes will be conducted during the peak season for all crop activity where Intra/Interstate Clearance Orders and H-2A orders are used.

During PY 2012, several AES were trained to become a Business Solutions Professional (BSP). The BSP program provides training on skills to assist employers to improve or streamline their processes and resolve barriers to productivity. With the help of a trained BSP, a business can discover opportunities for growth, which may lead to more and better paying jobs for MSFWs. An emphasis continues to be placed on conducting outreach visits to employers during the non-peak season in order to build strong and trusting relationships. By having strong relationships, employers are more apt to contact and rely on the AES for referrals to not only the hand harvesting jobs, but also to other higher-paying, higher-skilled positions. MSFWs have been hired as truck drivers, fork lift operators and supervisors. Also, with the realignment into the previously noted Prosperity Regions, there is an increased opportunity for AES to form relationships with more employers who may be seeking the skills and abilities found in the MSFWs.

“La Hora del Campesino” is an additional service offered to employers by offering them the opportunity to be interviewed during the program. Theses radio interviews allow the employer to explain what skills they are seeking in an employee, what their job entails, and other information of interest to a job seeker. In PY 2013, five (5) growers were interviewed; the goal for PY 2014 is ten (10) growers.

The WDA’s website contains important information for agricultural employers. Located at <http://www.michigan.gov/wda>, employers can access the AES staff listing, current ETA 790 Form and Instructions for Intra/Interstate Clearance Orders (ICOs), Prevailing Wage and Practice Surveys, as well as a direct link to “La Hora del Campesino.”

Data Analysis

Data for PY 2011 was obtained from the State's previous electronic system (Michigan Talent Bank), was based on employer level business codes (NAICS) and included all postings within Agriculture, Forestry, Fishing and Hunting. There was no means to separate the agriculture orders out of the total number. A system conversion occurred in October 2012 from the Michigan Talent Bank to Pure Michigan Talent Connect.

Table 3					
PY 2011: (July 1, 2011 through June 30, 2012)					
	Orders	Openings	Filled	Percent Filled	ICOs Received / Initiated
Agriculture	1,586	5,747	1,327	23%	92: 17 from H-2A orders, 75 from out-of-state orders; 4 initiated but withdrawn by employers
Food Manufacturing	943	4,084	1,083	27%	0
Total	2,529	9,831	2,410	25%	

Data gathered from PY 2012 presents a more accurate picture of agriculture job orders in the state, as data was based on Career Category/Type at the job posting level in Pure Michigan Talent Connect. Job orders for agriculture mechanics and machinery operators, agriculture services and supplies, farming, food processing/production and hand harvesting totaled 767, with openings of 5,786.

The State expects to increase the number of job orders received due to increased outreach to employers and the increased emphasis on agriculture within the state. By coordinating and partnering with the business liaisons located at the One-Stop Service Centers, additional employers will be reached and encouraged to post their openings in Pure Michigan Talent Connect. AES will continue to provide facilitated services to employers on all agricultural job orders. Services include, but are not limited to, collecting applications, scheduling interviews, reserving space to conduct interviews at the One-Stop Service Centers, and language assistance during interviews when needed.

The following table estimates data for PY 2014:

Table 4					
Career Type	Expected Orders	Projected to be Filled	Percentage	Estimated ICOs Received	Estimated ICOs Initiated
Agriculture Mechanics and Machine Operators	164	21	15%	5	1
Agriculture Services and Supplies	152	23	15%	0	0
Farming	200	80	40%	45	1
Food Processing / Production	221	89	40%	5	0
Hand Harvesting	30	21	40%	50	1
Total	767	234	33%	105	3

Other Requirements

The State Monitor Advocate was afforded the opportunity to review and comment on the PY 2014 Agricultural Outreach Plan.

The draft of the PY 2014 Agricultural Outreach Plan was posted to the WDA's website to solicit comments from the WIA Section 167 NFJP grantee and other interested agencies, partners and groups who serve MSFWs. The following is a list of entities that were afforded the opportunity to comment on the Plan.

- Telamon Corporation (NFJP grantee),
- Michigan Department of Human Services,
- Michigan Department of Agriculture and Rural Development,
- Michigan Primary Care Association,
- MI Migrant Head Start/Telamon Corporation,
- Michigan Farm Bureau,
- Migrant Health Promotion,
- Michigan Primary Care Association,
- Michigan Department of Civil Rights,
- Michigan Department of Community Health,
- Michigan Department of Education - Migrant Education,
- Michigan Occupational Safety and Health Administration,
- Michigan Department of Licensing and Regulatory Affairs,
- Hispanic Center of Western Michigan,
- U.S. Department of Homeland Security,

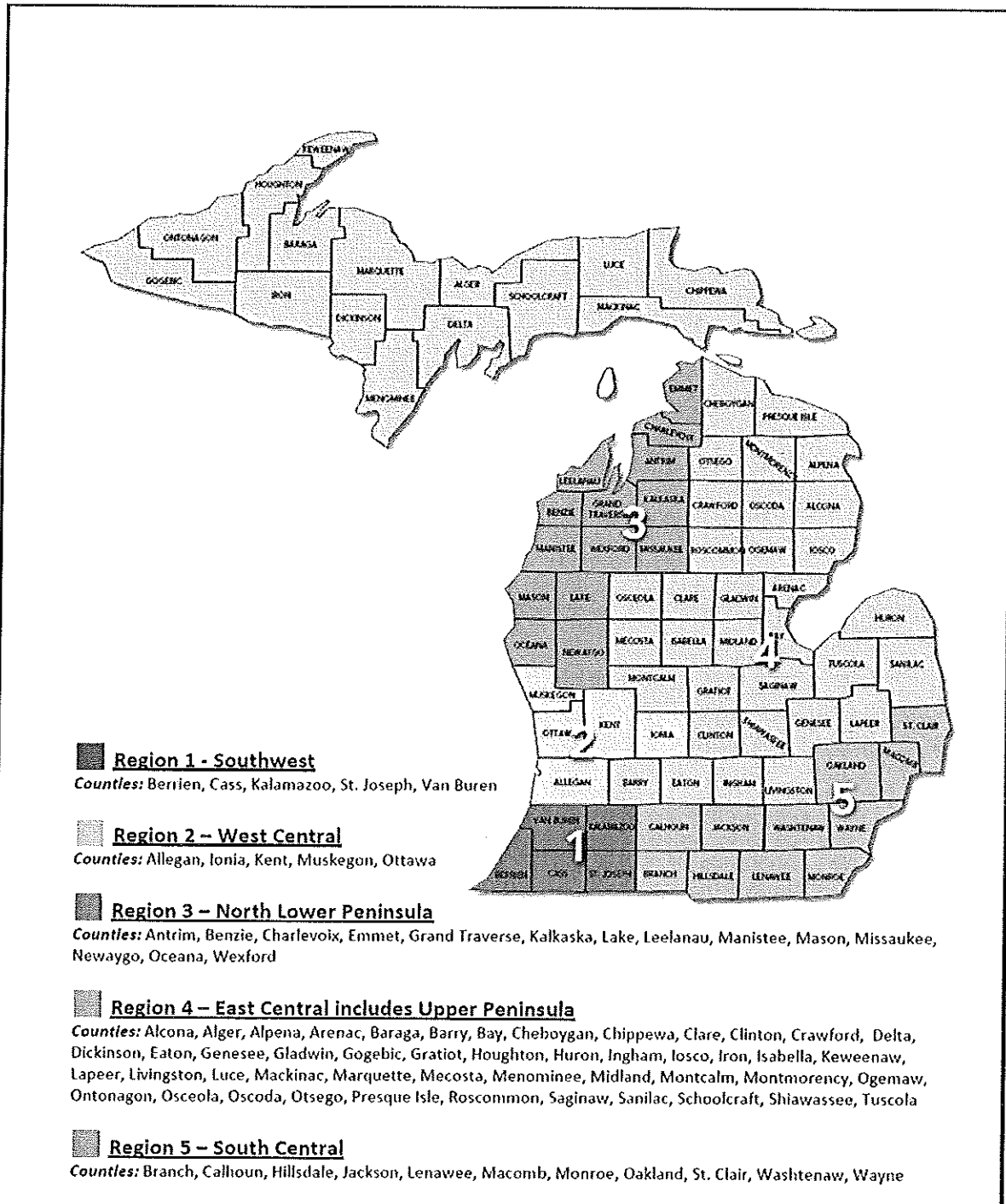
- Michigan Migrant Legal Assistance Project,
- Farmworker Legal Services,
- Michigan State University CAMP and HEP Programs,
- Julian Samora Research Institute,
- Hispanic Latino Commission of Michigan,
- U.S. Department of Agriculture - Rural Development,
- U.S. Department of Labor – Wage and Hour Division, and
- Social Security Administration.

Comments received from these agencies and partners and responses from the State are included with the Plan (Appendix C).

Appendix A – Data Citings

- ¹ State of the State 2014 Address by Governor Rick Snyder, given at the State Capitol, House Chamber, Joint Session of the Legislature, Lansing, Michigan, Commencing at 7:05 p.m. Thursday, January 16, 2014, taken by Rebecca L. Russo, CSR-2759, CRR, RMR.
- ² Michigan's Food and Agriculture Industry, published by the Michigan Department of Agriculture and Rural Development 2012, with additional data from USDA/NASS Michigan Field Office 2011.
- ³ Migrant and Seasonal Farmworker Enumeration Profiles Study, Michigan Update June 2013, published as a project of the State of Michigan Interagency Migrant Services Committee, Alice C. Larson, Ph.D., study researcher and author.
- ⁴ Ibid
- ⁵ Presentation delivered by Alice C. Larson, Ph.D. on August 7, 2013, at InterCare, Benton, Harbor, MI

Appendix B – Map of Michigan’s Agriculture Regions for Prevailing Wages and Practices



Appendix C - Summary of Comments

Following is a summary of comments received about the Workforce Investment (WIA)/Wagner-Peyser (W-P) Agricultural Outreach Plan.

While all comments were considered, there were some that were not incorporated into the plan. Specifically, comments that were not incorporated either were not allowed under the WIA and W-P Acts, WIA and W-P regulations, WIA and W-P policy guidance, State law or policy, or they were not in alignment with statewide vision or strategies.

1. Telamon Migrant Head Start (MHS) is not included in the in the list of service providers and numbers. We served 1,259 children and 22 pregnant women in 2013. Also, in the third paragraph, it mentions Telamon but does not specify which program – MHS or NJFP.

The information about the Telamon Migrant Head Start numbers of MSFWs receiving services from their respective agencies was added. Additionally, the third paragraph was amended to specify MHS as being included in the 2013 Enumeration Profiles Study.

2. It was suggested that additional language about the collaboration between the AES and Telamon be incorporated into the plan.

The following language was added:

The importance of year-round collaboration on how to best meet the needs of agricultural employers cannot be overstated. In areas with the largest concentrations of farmworkers, the AES regularly works in collaboration with Telamon during the harvest season to provide outreach services to farmworkers by visiting farm labor camps. During the off season, the AES and Telamon reach out to growers to discuss the availability of agricultural skills upgrades and participate in grower meetings and planning for the upcoming harvest season.

3. The Workforce Development Agency received a letter dated April 30, 2014, from Farmworker Legal Services (FLS). The letter expressed concerns about shortcomings in promoting the rights of Migrant and Seasonal Farmworkers to equal access to the full spectrum of employment services and available jobs in Michigan. The Workforce Development Agency formally responded on May 6, 2014. A summary of FLS's comments and the corresponding responses are provided.

Assessment of Need

“Regarding the sources of data, as in past years, we question the conclusory statements, made without citation that refers to purported labor shortages, such as “[T]he apple industry...experienced the largest shortage of workers.” Such conclusions are inconsistent with media reports citing Michigan’s historic apple yields in 2013 and the

lack of either sufficient storage facilities or a meaningful market to dispose of the “bumper crop” – factors that also led growers to leave surplus apples on their trees. And if there were a documented shortage of workers, it is inadequate to place the cause solely on “poor crop conditions during PY 2012” but not cite other documented conditions affecting MSFWs’ decisions whether to work in Michigan, including low wages, barriers to access for benefits relied on by MSFWs to supplement poor wages, and the crack-down on so-called “fraud” in the Unemployment Insurance System.

Conversely, the Plan also states that “In Region I, there was no shortage of workers.” This conclusion stands in direct conflict with the state’s certification to the Chicago National Processing Center Office of Foreign Labor Certification (OFLC) that an insufficient number of domestic workers was available to fill the nearly 200 H-2A job openings in Region I approved by the OFLC in PY 2013.

Regarding the Enumeration Study released in PY 2013, it is incorrect to state that “no crop specific data was provided.” As stated in the enumeration methodology, “the field agriculture estimate primarily used a ‘demand for labor’ (DFL) process that examined the number of workers involved. Table II of the study provides “information by crop and task for DFL, rule-of-thumb or other estimation methods.”

The plan also misinterprets the estimates of MSFWs derived from the Enumeration Study by misstating the methodology used by Dr. Larson in conducting the study. As the 2013 update makes clear, “The DFL and rule-of-thumb methods used to estimate field agriculture calculate ‘FTE jobs’ rather than workers,” but then “[A]n adjustment was made to account for those employed in more than one agricultural ‘FTE job.’”

Without citing any authority, the WDA projects “an estimated 22,000 MSFWs will travel to Michigan during PY 2014. This estimate constitutes a nearly 10% decrease in the WDA’s “estimate” from its PY 2013 Plan that “24,000 MSFWs will travel to Michigan in PY 2013.” Meanwhile, the 2013 Enumeration Study Update estimated 32,337 migrant workers and 16,798 seasonal workers, for a total of 49,135 migrant and seasonal farmworkers in Michigan. Since 2000, Dr. Larson has completed a series of 17 state MSFW enumeration studies, ten of which were commissioned by the Bureau of Primary Health Care of the U.S. Department of Health and Human Services. These state-level reports have been widely reviewed and used as authoritative estimates by government agencies, producers, media and migrant service agencies throughout the U.S. It is confounding to us that the WDA persists in substituting its unsupported “estimates” of MSFWs in Michigan for the consistent findings of this nationally-recognized researcher.

Nevertheless, the AES staff reported contacting only 9,334 MSFWs in 2013, while Migrant Health Centers and the Department of Human Services reported serving 16,122 and 14,928 individuals respectively. This seems to us to be a significant difference that should motivate the WDA to increase its outreach objectives to, at least, be in line with other partner migrant-serving agencies in Michigan.

This past harvest season, we had the opportunity to speak with several employers who all had similar concerns in regards to labor. Some employers feared that they would soon have to get out of farming altogether because they did not have the labor, others decided they would be planting less, and still others felt they would be focusing on less labor intensive crops.

In a recent conversation with the Asparagus Association, they indicated that they did not have the labor required to meet their needs. The Asparagus Association estimated that 2 million pounds of asparagus were mowed down, and the asparagus growers were not able to expand planting of quality seeds due to lack of workers or experienced workers to harvest the fields. The Michigan Apple Committee indicated that many growers experienced 20 percent fewer workers this past harvest season and fear this trend will occur again this year.

We acknowledge that there may be other factors contributing to reasons why some farmworkers choose not to return to Michigan and we will acknowledge that in the future. This is an issue that the IMSC(Interagency Migrant Services Committee) has yet to raise, and we look forward to these discussions at future IMSC meetings.

As for Region I, there were some job orders we were able to fill more successfully than compared to others. In the case of H-2As, please remember that there are specific timelines attached to filing dates, active recruitment and the 50% rule in addition to the applicants' decision whether to take the position once referred.

Regarding the Enumeration Study, we respectfully disagree with your interpretation of Table Two, page 35. At a meeting held in Benton Harbor, MI on August 7, 2013, Dr. Larson stated that the estimated 49,000 Migrant and Seasonal Farm Workers (MSFWs) is based on the number of workers needed. We are more than willing to discuss the Enumeration Study at future IMSC meetings.

The estimate of 22,000 MSFWs was attained after discussion of program numbers with partner agencies who also work extensively with the MSFW population. The partner agencies include the following: Michigan Department of Human Services and Telamon Corporation. The decrease is based on WDA decline in contacts. Also, please recognize that the Migrant Health Centers and the Department of Human Services numbers would be larger since they count children, whereas the WDA only counts workers. Another major factor in the discrepancy is the definition of MSFW that each agency uses to identify participants and, therefore, who is eligible for service from each particular agency.

Outreach Activities

The DOL regulations accompanying Wagner-Peyser funding require that "each State agency shall develop an annual outreach plan...in order to locate and to contact MSFWs who are not being reached by the normal intake activities conducted by the local offices" 20 CFR 653.107(a). To this end, it is imperative that the three vacant AES positions be filled immediately; and that at least one of these AES is redeployed back to Lenawee

County (Adrian One-Stop Center) to provide services to this historically extensive – if not “significant” – area of Southeastern Michigan. According to the 2013 Enumeration Update, the eleven counties in the WDA’s Region V in Southeastern Michigan consist of nearly 6,000 MSFWs. Please see our comments to the PY 2013 Plan regarding the necessity of placing an AES back in the Lenawee County location, rather than attempting to serve MSFWs in Southwest Michigan from a Coldwater office, which is not a “location with high MSFW activity” compared to Adrian.

We are also concerned that the Plan cites “funding restrictions” for this reduction in staff, while acknowledging that “a large portion of the state [has] no direct access to a State Outreach Worker (AES).” The controlling DOL regulation, 20 CFR 653.107(c)(3), requires that “[T]he proposed outreach activities shall be designed to meet the needs determined under paragraph (c)(1) of this section with the available resources determined under paragraph (c)(2) of this section.” We find no assessment of available resources in the Plan, or why fewer resources are available for outreach in prior years, as mandated by the regulation.

Rather, we find it disturbing that, throughout the Plan, resources for MSFW services seem to be designated for activities related to providing services to agricultural employers, at the cost of fulfilling the state’s requirements under the Judge Richey Court Order, issued in the settlement of NAACP v. Brennan, 360 F. Supp. 1006 (D.D.C. 1973), to provide the full spectrum of supportive employment services – education, job training, and job placement—to assist MSFWs in obtaining job skills and career opportunities.

For example, the Plan states that “for PY 2014, AES staff will contact 10,000 MSFW with a projected number of 800 outreach days.” In the PY 2013 Outreach Plan, the WDA planned to contact 9,334 MSFWs in 875 outreach days. The Plan does not explain how the WDA expects to increase AES contacts with MSFWs while decreasing days of outreach; and the opposite result could be expected.

Historically, the Outreach Program has been allocated a minimum of 10% of the Wagner-Peyser funding. However, in recent years, the State has received cuts significant enough to impact the Migrant, Immigrant and Seasonal Worker Services Division. The WDA has decided to move in the direction of back-filling two of the three positions as seasonal. These positions will run from mid-March to the end of October.

Regarding the placement of outreach staff, locations for staff are based on MSFW contacts and registrations; numbers that are required by the federal government. Adrian experienced a significant drop in contacts and registrations. The need to relocate positions was evident due to the decline in numbers. The Telamon NFJP provider also moved their staff from this area of the State, as they also saw a significant decrease in numbers.

Due to limited resources, we must be fiscally responsible and efficient with the funding provided. Therefore, we must strategically place staff where there is a greater demand

for services. Staff restructuring and relocating occurred. Counties with migrant camps are, and will be visited. As to which counties are covered by each individual staff person, please refer to http://michigan.gov/documents/wda/AES_Contacts_438661_7.pdf for that information.

Our projected "outreach days" is an estimate. We are concentrating our efforts on attending events such as parent night or farmworker events that will allow us to reach more MSFWs at one time. Also, we have increased outreach hours by 14 percent to help us reach our goal of 10,000 MSFWs this program year.

Services Provided to MSFWs through Michigan's One-Stop Delivery System

As expressed in our comments to the PY 2013 Plan, we remain concerned that when the AES outreach staff are out of the office conducting required outreach during periods of substantial MSFW activity, there is a reported absence of culturally and linguistically similar employment service workers located at the One-Stop Centers to serve farmworkers who personally visit the offices. During 2013, MSFW clients again described unsuccessful attempts to access services from Michigan Works! personnel when the AES staff was not in the office, including being turned away ("front-desked") and told to return when the AES worker would be back in the office. The plan is not specific as to whether or how the new "Functional Coordination" system will prevent this breakdown access, or whether such functional coordinators will be bilingual and, therefore, able to appropriately serve Spanish-speaking MSFWs.

DOL regulations specifically require that services shall be explained to the MSFW at the time of contact and that "this explanation shall be made in Spanish, if necessary, or requested ... 20 CFR 653.103(b). Also, recipients of federal funds, the WDA and Michigan Works! are subject to the legal mandate to provide appropriate services to clients with limited English proficiency. This obligation extends to the services provided to MSFWs via the One-Stop Centers, the toll-free telephone information lines and the online labor exchange system.

We are encouraged that collaborative arrangements between the WDA and the non-profit Telamon Corporation NFJP program continue in order to leverage federal resources for referral and training services for MSFWs in Michigan. However, we question some of the other services/programs which the Plan states "are offered to MSFWs through the One-Stop Delivery System," for example: Are the One-Stop personnel actually assisting MSFWs in remotely registering for "Unemployment Insurance"? This is the first we have heard of this.

Also, we have significant concern over "Pilot Project Proposal" which, as described, "would allow the AES to refer MSFWs to employment via telephone or email." Together with the online labor exchange system, Pure Michigan Talent Connect, we foresee the development of a systemic loophole – encouraging unregulated interstate, and even international recruitment – and eviscerating the national labor exchange system

authorized by Congress, funded by Wagner-Peyser, which provides needed safeguards in the interstate recruitment of MSFWs before they leave their homes to travel 1500 miles across the country in response to unspecific promises of "lots of work" and "good wages." Furthermore, the inclusion in the PY 2014 Plan of a single vague paragraph announcing the WDA's intention to launch such a "Pilot Plan Proposal" does not satisfy either the letter nor the spirit of DOL regulations requiring that the WDA seek meaningful input from stakeholders on the agency's outreach program and plans, 20 CFR 653.107 and 20 CFR 661.220(d).

As required by the federal regulations, bilingual services must be provided whenever requested or necessary. Also, all customers can file a complaint at any One-Stop Center, or with outreach staff, as well as by contacting the State Monitor Advocate (SMA) directly for assistance in filing a complaint. Please visit the WDA's web-site <http://www.michigan.gov/wda> for either the State Monitor Advocate (SMA) or Migrant Immigrant and Seasonal Farmworkers Division (MISWSD) page for contact information and the complaint form.

The role of the Functional Coordinator (FC) is to assist in creating a more cooperative and integrated approach between the WDA and Michigan Works! Agency staff such as sharing of information and assisting in job order placements and referrals. We expect to monitor this approach throughout the year for its benefits as well as where improvements might be needed. FC's are liaisons to ensure the flow of information and cooperation among the two agencies. Please note that FCs are not expected to be bilingual.

The AOP does not state that Michigan Works! Agencies register customers for Unemployment Insurance, but that the One-Stop Centers provide the means to register for unemployment via access to computers. Telephone, faxes, computers, printers and internet are provided to provide access to other agencies. The intent of providing this equipment is to meet the needs of customers, both MSFWs and non-MSFWs, especially those who may not have this equipment at home.

The "Pilot Project" is to assist us with delivering services in Michigan. This does not apply to individuals outside of Michigan. The WDA is looking for opportunities to deliver services efficiently and effectively to areas where an AES is not present. This is not our primary source of delivering services, but an added tool for us to use. Outreach to MSFWs is still an integral part of the "Pilot Project."

Services Provided to Agricultural Employers

We again, express our objection to the numerous activities described in the Plan through which "the AES staff provides employment services to agricultural employers." First, as noted above, federal funding via Wagner-Peyser is designated to provide comprehensive employment services to MSFWs. If such funding is inadequate that "a large portion of the State [has] no direct access to a State Outreach Worker (AES)," how can the WDA justify spending such limited resources to "provide employment services to agricultural

employers” who are not the intended subjects of the funding. This situation is particularly incongruous given the intended mandate of NAACP v. Brennan: that state workforce agencies do not “steer” MSFWs into agricultural jobs. Rather than promoting such preferred services to agricultural employers by the AES staff, the plan should address the potential abuses of the federal-funded Wagner-Peyser labor exchange services, such as the unsupervised use of the on-line Michigan Talent Connect registry by agricultural employers to directly recruit MSFWs from out-of-state and internationally.

And unfortunately, we must again register our complaint about the unbalanced content of the presentations and presenters at the regional “grower meetings” organized by AES staff. As we have noted in previous comments, these grower education meetings (including the February 2014 West Michigan Agricultural Meeting) have included presentations by private, employer advocates without balancing the information with presentations by government-funded, farmworker advocates, such as representatives of our two organizations. The deliberate exclusion of the two agencies in the State with specialized expertise in agricultural labor law is especially confounding given the Program Description for the West Michigan Ag Meeting stated purpose to “assist you, the Ag employer, in understanding issues impacting you and your employees. It also is an update on labor regulations that impact farms. Particularly because the WDA utilizes AES staff and federal MSFW resources to organize such meetings, we again object to the exclusion of migrant legal advocates from the agendas of such grower education meetings.

Also disturbing is the Plan’s acknowledgement that “several AES were trained to become a Business Solutions Professional (BSP)” to provide ... “training on skills to assist employers to improve or streamline their processes and resolve barriers to productivity” in order to “discover opportunities for growth, which may lead to more and better paying jobs for MSFWs.” However, the Plan acknowledges that “In spite of the increased need for labor, Michigan has experienced a slight decline of registered MSFWs due in part to the reduction of AES staff.” It is therefore incomprehensible that the WDA would further divert limited AES staff resources to a project with such a tenuous connection to improving the job prospects of MSFWs, while admitting that fewer MSFWs are being contacted by AES workers on outreach.

The Plan is also unclear about what is meant by the realignment of services into “Prosperity Regions.” To the extent that such regions promote “intra-state” recruitment of MSFWs, the Plan should clarify that federal law prohibits both inter- and –intra-state referral of MSFWs to jobs where housing is provided unless the housing has been duly inspected and certified to meet all applicable state, local and federal standards. In Michigan, for migrant labor camps with five or more migrant workers – and, upon request, for others – the Migrant Labor Housing Program (MDARD) will conduct such camp inspections and issue a license confirming compliance. The Plan does not specify – but should – that no referrals will be made by AES or other One-Stop staff to agricultural employers providing migrant labor housing that does not have “full” license, currently issued by MDARD

Training for staff is vital and we will continue to provide various trainings when they are available to us, especially training that enhances customer services and delivery of service, which includes developing rapport with employers.

In a demand-driven system, it is imperative we connect with employers in order to understand their needs, such as, how many workers are needed, how many acres are being planted, what crops are being planted, which employers are leasing out their land and whether housing is provided. Having this type of knowledge assists AES to more effectively refer qualified and interested workers to local jobs. This is sound business practice for the employer, job seeker and the WDA.

In 2014, the WDA sponsored one grower show; all other shows were organized and sponsored by other agencies. Due to budget restraints, the WDA has stepped back from sponsoring grower shows/meetings, but we will continue to speak or present at any grower meeting/event upon request.

The "Prosperity Regions" help Michigan Works! Service Centers collaborate on a regional basis in order to allocate limited resources to deliver training to the region, create alliances that address the skills gap in various industries, as well as work together to deliver services to the general public.